

### REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 1-16 and 24-26 are pending in the present Application. Claims 17-23 have been canceled without prejudice or disclaimer. Claims 1-16 and 24-26 have been amended to address cosmetic matters of form. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1, 2, 4, 6, 9-11, 13, and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931, hereinafter Alexander) in view of Picco et al. (U.S. Patent No. 6,029,045, hereinafter Picco); Claim 3 stands rejected under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 2, and further in view of Hölzle (U.S. Patent No. 5,970,249); Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 1, and further in view of Winston (U.S. Patent No. 6,434,653); Claim 7 stands rejected under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 1, and further in view of Russo (U.S. Patent No. 5,619,247); Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 1, and further in view of Kostreski et al. (U.S. Patent No. 5,729,549, hereinafter Kostreski); Claims 12, 24, and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 10, and further in view of Trovato (U.S. Patent No. 6,701,526); and, Claims 14-16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 1, and further in view of Inoue et al. (U.S. Patent Publication No. 2002/0016963 A1, hereinafter Inoue).

INFORMATION DISCLOSURE STATEMENT

**Applicants respectfully direct the Examiner's attention to the Information Disclosure Statements (IDSs) filed August 1, 2000 and September 11, 2002. Applicants note that these IDSs have yet to be indicated as considered by the Examiner. As such, Applicants respectfully requests that the Examiner provide initialed Forms 1449 in the next communication.**

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claims 1, 2, 4, 6, 9-11, 13, and 25 under 35 U.S.C. § 103 as being unpatentable over Alexander in view of Picco. The Official Action states that Alexander discloses all of the Applicant's claim limitations, with the exception of digital audio/video data in non-real time and converting digital television data service data into real-time data. However, the Official Action cites Picco as disclosing this more detailed aspect of the Applicant's invention, and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claims. Applicant respectfully traverses the rejection.

By way of background, digital television systems are known in which a digital broadcast signal includes a popular analog teletext service. The teletext service is carried as digital data within certain transmission lines of the Vertical Blanking Interval (VBI) of the TV signal. In such systems, the teletext data provides news updates, sport and TV guide information. For example, where the teletext information is sport-related data, the update of an on-going sporting event, such as a scoring update, may be provided by this service. In present systems, there is no way by which delivery of audio/video data of such updates can

be accomplished without forcing the viewer to sit through news, sports and/or related updates, which the user is not interested in.<sup>1</sup>

In light of at least the above deficiency in the art, the present invention is provided. With at least the above objective in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

Amended Claim 1 recites, *inter alia*, a system for providing a plurality of sets of broadcast service data service data transmitted together with broadcast digital television data as part of a broadcast system, including:

. . . a memory configured to store all of the current plurality of sets of the broadcast data service data; the broadcast data service data defining a plurality of digital audio/video data sets; and

a controller responsive to a user initiated selection signal to cause the memory to output a selected one of the plurality of digital audio/video data sets simultaneously with continued receipt of the broadcast digital television data, the selected one of the broadcast data service data plurality of sets having digital audio/video data in non-real time, the selection signal being provided at any time during receipt of the broadcast digital television data and independently of the broadcast digital television data and the controller is responsive at any time during receipt of the broadcast digital television data and independently of the broadcast digital television data to output said selected portion . . .

Alexander describes a system providing an Electronic Program Guide (EPG), in which viewer tastes are accounted for by presenting advertisements in accordance with a determined viewer interest.<sup>2</sup> For example, EPG may select advertisements from various possible locations, such as a library of advertisements stored at a viewer's terminal based upon pre-established selection criteria.<sup>3</sup> In this way, if a viewer has been watching major

---

<sup>1</sup> Application at pages 1-2.

<sup>2</sup> Alexander at column 34, lines 3-9.

<sup>3</sup> Alexander at column 34, line 10-24.

league baseball, the advertisement may be for tires; while, if the viewer is watching an educational program, the advertisement may be for a computer product.<sup>4</sup>

Picco describes a system in which advertisements are inserted into advertising slots of a digital data stream based upon the contents of a database, which includes local advertising content. Thus, if a user is looking to buy a new car and indicates such preferences, when a local content space within the compressed digital data stream is identified, an automobile advertisement is shown to the user.<sup>5</sup>

Conversely, in an exemplary embodiment of the Applicant's invention, as presently recited in amended Claim 1, a broadcast signal is provided to include broadcast data service data and broadcast digital television data. The service data includes a plurality of digital audio/video data sets. A controller, which is responsive to a user initiated selection signal, causes a selected one of the plurality of audio/video data sets to be output simultaneously with broadcast digital television data. In this way, a user is able to receive the broadcast digital television data along with a selected one of the plurality of audio/video data sets. For example, if a user is watching a previously scheduled program, the user may be able to selectively access sports highlights simultaneously. As neither Alexander or Picco disclose or suggest a user selection of one of a plurality of digital audio/video data sets, Applicant respectfully submits that amended Claim 1, and any claim depending therefrom, is allowable over the cited combination of references.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 2, 4, 6, 9-11, 13, and 25 under 35 U.S.C. § 103 be withdrawn.

---

<sup>4</sup> Alexander at column 33, lines 38-43.

<sup>5</sup> Picco at column 6, lines 33-40.

The outstanding Official Action has rejected Claim 3 under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 2, and further in view of Hölzle. The Official Action cites Alexander and Picco as disclosing all of the Applicant's claim limitations, with the exception of delayed processing. The Official Action cites Hölzle as disclosing this more detailed aspect of the Applicant's invention, and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, neither Alexander and/or Picco disclose all of the claim elements for which they have been asserted. Likewise, as Hölzle does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests that the rejection of Claim 3 under 35 U.S.C. § 103 be withdrawn.

The outstanding Official Action has rejected Claim 5 under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco, and further in view of Winston. The Official Action cites Alexander and Picco as disclosing all of the Applicant's claim limitations, with the exception of a processor operating in accordance with batch processing. However, the Official Action cites Winston as disclosing this more detailed aspect of the Applicant's invention, and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, neither Alexander and/or Picco disclose all of the claim elements for which they have been asserted. Likewise, as Winston does not remedy the deficiency

discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests that the rejection of Claim 5 under 35 U.S.C. § 103 be withdrawn.

The outstanding Official Action has rejected Claim 7 under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 1, and further in view of Russo. The Official Action cites Alexander and Picco as disclosing all of the Applicant's claim limitations, with the exception of compression and decompression functionality. The Official Action cites Russo as disclosing this more detailed aspect of the Applicant's invention and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, neither Alexander and/or Picco disclose all of the claim elements for which they have been asserted. Likewise, as Russo does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests that the rejection of Claim 7 under 35 U.S.C. § 103 be withdrawn.

The outstanding Official Action has rejected Claim 8 under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco as applied to Claim 1, and further in view of Kostreski. The Official Action cites Alexander and Picco as disclosing all of the Applicant's claim limitations, with the exception of a decryption key. However, the Official Action cites Kostreski as disclosing this more detailed aspect of the Applicant's invention and states that it would have been obvious to one skilled in the art at the time the invention was made to

combine the cited references for arriving at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, neither Alexander and/or Picco disclose all of the claim elements for which they have been asserted. Likewise, as Kostreski does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests that the rejection of Claim 8 under 35 U.S.C. § 103 be withdrawn.

The outstanding Official Action has rejected Claims 12, 24, and 26 under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco, and further in view of Trovato. The Official Action contends Alexander and Picco disclose all of the Applicant's claim limitations, with the exception of a 1394 connection. However, the Official Action cites Trovato as disclosing this more detailed aspect of the Applicant's invention and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, neither Alexander and/or Picco disclose all of the claim elements for which they have been asserted. Likewise, as Trovato does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests that the rejection of Claims 12, 24, and 26 under 35 U.S.C. § 103 be withdrawn.

The outstanding Official Action has rejected Claims 14-16 under 35 U.S.C. § 103 as being unpatentable over Alexander and Picco, and further in view of Inoue. The Official

Action contends Alexander and Picco disclose all of the Applicant's claim limitations, with the exception of identifying newly received information as an update to previously stored information. However, the Official Action cites Inoue as disclosing this more detailed aspect of the Applicant's invention and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, neither Alexander and/or Picco disclose all of the claim elements for which they have been asserted. Likewise, as Inoue does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests that the rejection of Claims 14-16 under 35 U.S.C. § 103 be withdrawn.

#### CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-16 and 24-26, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Scott A. McKeown  
Registration No. 42,866